



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board Central Valley Region

## Redding Office

415 Knollcrest Drive, Suite 100, Redding, California 96002  
(530) 224-4845 • Fax (530) 224-4857  
<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

3 June 2009

### CERTIFIED MAIL

7007 0220 0003 1934 0921

Chris Skinner  
Sierra Pacific Industries, Burney Division  
P.O. Box 2677  
Burney, CA 96013

### ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2009-0546 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, SIERRA PACIFIC INDUSTRIES, BURNEY DIVISION, SHASTA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements (WDRs) Order R5-2007-0145 by Sierra Pacific Industries, Burney Division. The Complaint charges Sierra Pacific Industries, Burney Division with administrative civil liability in the amount of **twelve thousand dollars (\$12,000)**, which represents the sum of the statutory Mandatory Minimum Penalties for effluent limitation violations that occurred at the facility between 1 January 2009 and 31 March 2009.

Pursuant to CWC section 13323, Sierra Pacific Industries, Burney Division may either pay the civil liability and waive its right to a hearing before the Central Valley Water Board, or may contest the Complaint and exercise its right to a hearing. Sierra Pacific Industries, Burney Division has the right to a hearing before the Central Valley Water Board within 90 days of the service of the Complaint. If Sierra Pacific Industries, Burney Division chooses to waive this right and settle the Complaint without a hearing, then a duly authorized agent must sign the enclosed waiver and submit it along with a check in the amount of **twelve thousand dollars (\$12,000)** to this office by **3 July 2009**. The Central Valley Water Board will consider submittal of the waiver and payment of the full penalty amount as a settlement of the Complaint. However, the settlement will only be considered effective after a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Daniel L. Warner.

If the Central Valley Water Board does not receive a waiver and payment for the full amount by **3 July 2009**, then a hearing will be scheduled for the **13/14 August 2009** Central Valley Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Daniel L. Warner, so that they are received no later than **5 p.m. on 3 July 2009**. This includes material submitted by the Sierra Pacific Industries, Burney Division to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 3 July 2009** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

[http://www.waterboards.ca.gov/centralvalley/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/tentative_orders/).

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Daniel L. Warner at (530) 224-4848, or Bryan Smith at (530) 226-3425.

JAMES C. PEDRI, P.E.  
Assistant Executive Officer

GDD/DLW: sae

Enclosures: Administrative Civil Liability Complaint 5R-2009-0546

cc+encl: Pamela Creedon, Central Valley Water Board, Rancho Cordova  
Dan Radulescu, Central Valley Water Board, Rancho Cordova  
Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Rick Brausch, U.S. Environmental Protection Agency, Region IX, San Francisco  
Jason Brush, U.S. Environmental Protection Agency, Region IX, San Francisco  
Matthew Kelley, U.S. Army Corps of Engineers, Redding  
California Environmental Protection Agency, Sacramento  
Department of Fish and Game, Region 1, Redding  
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento  
Mark Bradley, State Water Resources Control Board, Sacramento  
David Brown, Sierra Pacific industries, Redding